

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 SAB-02 L-03 SS-15 SP-02 INR-07

SSO-00 INRE-00 /044 W

-----058186 162235Z /73

O R 162155Z AUG 77

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC IMMEDIATE 3203

INFO PANCANAL

USCINCSO

C O N F I D E N T I A L PANAMA 5857

FOR S/AB, L, ARA/PAN FROM KOZAK AND CHESTER

EO 11652: GDS

TAGS: PBOR, PN

SUBJECT: PANAMA CANAL TREATY NEGOTIATIONS: DRAFTING

1. TUESDAY DRAFTING SESSION LASTED FROM 0900 TO 1300. PROGRESS REASONABLE, ALBEIT SOMEWHAT SLOWER THAN YESTERDAY PRIMARILY BECAUSE OF COMPLEXITY OF CIVILIAN EMPLOYMENT ARTICLE AND OUT LACK OF FAMILIARITY WITH IT.

2. JOINT TEXT ACHIEVED ON SEVERAL ADDITIONAL ARTICLES AS FOLLOWS:

CLAIMS (ARTICLE XXI U.S. DRAFT IMPLEMENTING AGREEMENT)

A) PARA 1 (B), PG. 77, LINE 16 INSERT "1400" AFTER "B 1." AND "1400" AFTER "OR." CHANGE PERIOD AT END OF LINE 16 TO COMMA AND ADD "AT THE ENTRY INTO FORCE OF THIS AGREEMENT."

B) PARA 4, P. 78, LINE 15 CHANGE PERIOD AT END OF LINE TO COMMA AND ADD "IN CONNECTION WITH WHICH SUCH PAYMENT WAS MADE."

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C) MOVE PARA 6 TO END OF ARTICLE AND RENUMBER AS PARA 9.

D) ADD NEW PARA 6 AS FOLLOWS:

"6. IN CASES IN WHICH THE UNITED STATES OF AMERICA CERTIFIES TO THE APPROPRIATE AUTHORITIES THAT AN ACT OR OMISSION OF AN EMPLOYEE OF THE COMMISSION, WHICH

RESULTED IN DAMAGE TO THIRD PARTIES, WAS COMMITTED IN THE PERFORMANCE OF OFFICIAL DUTY, THE UNITED STATES OF AMERICA SHALL SETTLE THE CLAIM AND ASSURE PAYMENT OF THE CORRESPONDING INDEMNITY, IF ANY IS DUE."

3. USE OF LAND AND WATER AREAS

(ARTICLE IV U.S. DRAFT IMPLEMENTING AGREEMENT)

A) PARA 3, PG 9, LINE 16 DELETE "MAY" FROM PRESENT POSITION AND REINSERT AFTER "COST"

B) PARA 4, PG 10, LINE 2 INSERT "CONCERNING THE MOVEMENT AND ANCHORING OF VESSELS" AFTER "RESPONSIBILITIES." ON LINE 3 END SENTENCE AFTER "AGREEMENTS" AND DELETE REMAINDER OF SENTENCE. INSERT NEW PENULTIMATE SENTENCE AS FOLLOWS: "THE UNITED STATES MAY OWN, USE, OPERATE, INSPECT, MAINTAIN OR REPLACE EQUIPMENT, FACILITIES AND NAVIGATIONAL AIDS IN THESE AREAS."

C) PARA 5, PG 10, LINE 8 CHANGE "PROTECTED" TO "SPECIAL."

D) PARA 7, PG 11, LINE 1 INSERT "(A)" AFTER "7." LINE 5 DELETE "INSTALLATIONS." LINE 8 AFTER "ADMINISTRATION." ADD "IN CASE OF DISPOSAL WITHIN PANAMA, PREFERENCE WILL BE GIVEN TO THE GOVERNMENT CONFIDENTIAL

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OF PANAMA." REMAINDER OF PARA BECOMES NEW SUBPARAGRAPH (B).

E) PARA 8 IS REVISED TO READ AS FOLLOWS:

"8. THE PANAMA CANAL COMMISSION MAY EMPLOY WATCHMEN TO PROTECT THE SECURITY OF SELECTED INSTALLATIONS WITHIN THE AREAS MADE AVAILABLE FOR THE USE OF THE UNITED STATES UNDER THIS AGREEMENT, IT BEING UNDERSTOOD THAT SUCH INSTALLATIONS DO NOT INCLUDE HOUSING OR OTHER INSTALLATIONS NOT DEVOTED TO THE MANAGEMENT, ORGANIZATION OR MAINTENANCE OF THE PANAMA CANAL. SUCH WATCHMEN SHALL NOT HAVE POWERS OF ARREST OR OTHER POLICE POWERS. THEY MAY, HOWEVER, TEMPORARILY DETAIN PERSONS BELIEVED TO BE COMMITTING AN OFFENSE AGAINST APPLICABLE LAWS OR REGULATIONS, AND SHALL PROMPTLY TRANSFER CUSTODY TO THE APPROPRIATE POLICE AUTHORITIES. THE PANAMA CANAL COMMISSION SHALL PROVIDE TO THE AUTHORITIES OF THE REPUBLIC OF PANAMA THROUGH THE COORDINATING COMMITTEE A LIST IDENTIFYING THE INDIVIDUALS EMPLOYED BY IT AS WATCHMEN, AND SHALL PROMPTLY NOTIFY THE REPUBLIC OF PANAMA OF ANY CHANGES IN SUCH LIST. IN THE PERFORMANCE OF THEIR DUTIES, SUCH WATCHMEN SHALL NOT BEAR FIREARMS EXCEPT HANDGUNS.

JORDEN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, AGREEMENT DRAFT, NEGOTIATIONS, CANALS
Control Number: n/a
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Sent Date: 16-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PANAMA05857
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770295-1114
Format: TEL
From: PANAMA
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Image Path:
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Legacy Key: link1977/newtext/t19770857/aaaabwig.tel
Line Count: 118
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Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
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Review Action: RELEASED, APPROVED
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Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1588817
Secure: OPEN
Status: NATIVE
Subject: PANAMA CANAL TREATY NEGOTIATIONS: DRAFTING
TAGS: PBOR, EWWT, PN, US
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/e4d4f759-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009